

CAUSE NO. **21-08-40340-MCV**

NORMA ALEJANDRA TAMEZ,  
INDIVIDUALLY AND AS NEXT FRIEND  
OF C.O., A CHILD, A.O., A CHILD, AND  
J.O., A CHILD,  
Plaintiffs

IN THE DISTRICT COURT

VS.

**293RD** JUDICIAL DISTRICT

REZAE MOHAMMED NASIM and  
TRANSPORTATION, INC.,  
Defendants

MAVERICK COUNTY, TEXAS

**PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, **NORMA ALEJANDRA TAMEZ, INDIVIDUALLY AND AS NEXT FRIEND OF C.O., A CHILD, A.O., A CHILD, AND J.O., A CHILD**, hereinafter referred to as Plaintiffs, complaining of **REZAE MOHAMMED NASIM AND TRANSPORTATION, INC., GLOBE**, hereinafter referred to as Defendants, and for their cause of action would respectfully show unto the Court and Jury as follows:

Discovery Control Plan

1.0 Plaintiffs, **NORMA ALEJANDRA TAMEZ, INDIVIDUALLY, AND AS NEXT FRIEND OF C.O., A CHILD, A.O., A CHILD, AND J.O., A CHILD**, hereby intend to conduct discovery under Level 2 of the Texas Rules of Civil Procedure. Plaintiffs seek monetary relief in an amount exceeding \$1,000,000.00.

Introduction

2.0 Plaintiffs are residents of Eagle Pass, Maverick County, Texas.

2.1 Defendant, **Rezaee Mohammed Nasim**, is a resident of Omaha, Nebraska, and may be served with service of process, by private process server, at his place of residence located at 12503 Crawford Road, Omaha, Nebraska 68144, or wherever he may be found.

2.2 Defendant, **TRANSPORTATION, INC., GLOBE**, is a corporation authorized to do business in the state of Texas. Service of process may be effectuated by serving citation by Certified Mail Return Receipt Requested to the registered agent, Cameron R. Burr, at 730 Little York Road, Houston, Texas 77076.

#### Venue Facts

3.0 Plaintiffs are maintaining this cause of action in Maverick County, Texas because the incident which is the subject matter of this lawsuit occurred in Maverick, Texas. Plaintiffs are further maintaining this cause of action in Maverick County, Texas pursuant to section 15.002 (a)(1) and (a)(2) of the Texas Civil Practice and Remedies Code.

#### Classification

4.0 Plaintiffs are bringing this cause of action against the named Defendants for personal and bodily injuries caused by an incident which occurred on or about March 29, 2021, in Maverick County, Texas. All conditions precedent have been satisfied.

#### Background Information

5.0 On or about March 29, 2021, Plaintiff, **NORMA ALEJANDRA TAMEZ**, was driving in a lawful and prudent manner, and Plaintiffs, **C.O., A.O., and J.O.** were passengers in, a 2017 Gray Chevrolet Malibu in Maverick County, Texas. The Plaintiffs were on the outside turning lane at the intersection of Del Rio Blvd. and North Veterans Blvd. facing south. The Defendant, **REZAE MOHAMMED NASIM**, was driving a 2021 White Freightliner Cascadia 216 Tractor Trailer and towing a 2021 White Wabash National Corp. Trailer owned by **TRANSPORTATION INC.**,

**GLOBE**. The Defendant was by the inside turning lane at the intersection of Del Rio Blvd. and North Veteransa Blvd. facing south. The Defendant proceeded forward after the light turned green and made a left turn in order to travel east on the 2800 block of North Veterans Blvd; as a result, he struck the Plaintiffs, causing injuries to the Plaintiffs, **NORMA ALEJANDRA TAMEZ, C.O., A.O., AND J.O.**

VI. Negligent Actions of Rezaee Mohammed Nasim

6.0 On the occasion in question, the Defendant, **REZAE MOHAMMED NASIM**, operated the 2021 White Freightliner Cascadia 216 Tractor Trailer and towing a 2021 White Wabash National Corp. Trailer owned by **TRANSPORTATION, INC., GLOBE**, in a negligent manner, in that he violated the duty which he owed Plaintiffs, **NORMA ALEJANDRA TAMEZ, C.O., A.O., AND J.O.**, to exercise ordinary care in the operation of a motor vehicle in one or more of the following respects:

- a. In failing to keep such lookout as a person of ordinary prudence would have kept under the same or similar circumstances;
- b. In failing to timely apply the brakes to his vehicle in order to avoid the collision in question;
- c. In failing to take proper evasive action and avoid the collision in question;
- d. In failing to control the speed of his vehicle to avoid the collision in question;
- e. In failing to maintain attention while driving as a reasonable prudent person would have done;
- f. In failing to safely turn the vehicle from a direct course, or move right or left on a roadway unless the movement can be made safely;
- g. In driving his vehicle in willful or wanton disregard for the safety of other persons in violation of §545.401 of the Texas Transportation Code, which constitutes negligence and negligence per se.

6.1 Plaintiffs would further show that the above and foregoing acts were separate and distinct acts of negligence and that they are the direct and proximate cause of the incident in question and the Plaintiffs' resultant injuries as will be more accurately described herein below.

6.2 Each of these acts and omissions, singularly or in combination with such other acts and omissions constituted negligence and negligence per se which proximately caused the accident made the basis of this lawsuit, and the damages and injuries suffered by the Plaintiffs.

Respondent Superior Theory

6.3 On the occasion in question, Defendant, **REZAE MOHAMMED NASIM**, was an agent, employee, and/or representative of Defendant, **TRANSPORTATION, INC., GLOBE**, acting in the course and scope of his agency and/or employment and thus the Defendant, **TRANSPORTATION, INC., GLOBE**, is liable for the tortuous acts and/or omissions of their employee and/or representative, pursuant to the doctrine of Respondent Superior and/or Agency.

Negligent Entrustment Theory

6.4 Plaintiff further alleges that the Defendant, **TRANSPORTATION, INC., GLOBE**, was the owner of the vehicle being driven by the Defendant, **REZAE MOHAMMED NASIM**, at the time of the incident in question. The Defendant, **TRANSPORTATION INC., GLOBE**, was negligent in entrusting said vehicle to Defendant, **REZAE MOHAMMED NASIM**, in that the said **REZAE MOHAMMED NASIM** was an unskilled, incompetent and reckless driver, and that the Defendant, **TRANSPORTATION, INC., GLOBE**, knew, or through the exercise of ordinary and prudent care, should have known that the said **REZAE MOHAMMED NASIM** was an unskilled, incompetent and reckless driver; that the Defendant, **TRANSPORTATION, INC., GLOBE**, was therefore negligent in entrusting said vehicle to the Defendant, **REZAE MOHAMMED NASIM**, and such negligent act on the part of the Defendant, **TRANSPORTATION, INC., GLOBE**, was a direct and proximate cause of the incident in question and the Plaintiff's resultant injuries. Therefore,

Plaintiff is entitled to and hereby sue Defendant, **TRANSPORTATION INC., GLOBE**, pursuant to the negligent entrustment theory.

Damages of Norma Alejandra Tamez

7.0 As a result of the collision made the basis of this action, Plaintiff, **NORMA ALEJANRA TAMEZ**, has suffered physical pain and mental anguish. In all reasonable probability, she will continue to suffer such physical pain and mental anguish for a long time into the future, if not for the balance of her natural life.

7.1 As a further result of the Defendants' negligence, Plaintiff, **NORMA ALEJANDRA TAMEZ**, has been caused to incur reasonable and necessary medical expenses in the past and in all probability, will continue to so incur reasonable and necessary medical expenses in the future.

7.2 Plaintiff, **NORMA ALEJANDRA TAMEZ**, would further show that as a result of the injuries she sustained due to the Defendants' negligence, she has suffered physical impairment in the past and in all reasonable probability, she will continue to so suffer physical impairment in the future.

7.3 Plaintiff would further show that he has been unable to perform her regular household chores and/or services due to the Defendants' negligence and thus, Plaintiff hereby sues said Defendants for her loss of household chores and/or services.

7.4 Plaintiff would further show that she has been unable to perform her regular work activities due to the Defendants' negligence and thus, Plaintiff hereby sues said Defendants for her loss of wages and loss of wage-earning capacity.

7.5 Plaintiff would further show that due to the accident made the basis of this lawsuit, her vehicle was damaged; Plaintiff, **NORMA ALEJANDRA TAMEZ**, hereby sues said Defendants for the costs associated with the repair, and loss of use of the vehicle.

Damages of C.O.

8.0 As a result of the collision made the basis of this action, Plaintiff, **C.O.**, has suffered physical pain and mental anguish. In all reasonable probability, she will continue to suffer such physical pain and mental anguish for a long time into the future, if not for the balance of her natural life.

8.1 As a further result of the Defendants' negligence, Plaintiff, **C.O.**, has been caused to incur reasonable and necessary medical expenses in the past and in all probability, will continue to so incur reasonable and necessary medical expenses in the future.

8.2 Plaintiff, **C.O.**, would further show that as a result of the injuries she sustained due to the Defendants' negligence, she has suffered physical impairment in the past and in all reasonable probability, she will continue to so suffer physical impairment in the future.

8.3 Plaintiff would further show that she has been unable to perform her regular household chores and/or services due to the Defendants' negligence and thus, Plaintiff hereby sues said Defendants for her loss of household chores and/or services.

8.4 Plaintiff would further show that she has been unable to perform her regular work activities due to the Defendants' negligence and thus, Plaintiff hereby sues said Defendants for her loss of wages and loss of wage-earning capacity.

Damages of A.O.

9.0 As a result of the collision made the basis of this action, Plaintiff, **A.O.**, has suffered physical pain and mental anguish. In all reasonable probability, he will continue to suffer such physical pain and mental anguish for a long time into the future, if not for the balance of his natural life.

9.1 As a further result of the Defendants' negligence, Plaintiff, **A.O.**, has been caused to incur reasonable and necessary medical expenses in the past and in all probability, will continue to so incur reasonable and necessary medical expenses in the future.

9.2 Plaintiff, **A.O.**, would further show that as a result of the injuries he sustained due to the Defendants' negligence, he has suffered physical impairment in the past and in all reasonable probability, he will continue to so suffer physical impairment in the future.

9.3 Plaintiff would further show that he has been unable to perform his regular household chores and/or services due to the Defendants' negligence and thus, Plaintiff hereby sues said Defendants for his loss of household chores and/or services.

9.4 Plaintiff would further show that he has been unable to perform his regular work activities due to the Defendants' negligence and thus, Plaintiff hereby sues said Defendants for his loss of wages and loss of wage-earning capacity.

Damages of J.O.

10.0 As a result of the collision made the basis of this action, Plaintiff, **J.O.**, has suffered physical pain and mental anguish. In all reasonable probability, he will continue to suffer such physical pain and mental anguish for a long time into the future, if not for the balance of his natural life.

10.1 As a further result of the Defendants' negligence, Plaintiff, **J.O.**, has been caused to incur reasonable and necessary medical expenses in the past and in all probability, will continue to so incur reasonable and necessary medical expenses in the future.

10.2 Plaintiff, **J.O.**, would further show that as a result of the injuries he sustained due to the Defendants' negligence, he has suffered physical impairment in the past and in all reasonable probability, he will continue to so suffer physical impairment in the future.

10.3 Plaintiff would further show that he has been unable to perform his regular household chores and/or services due to the Defendants' negligence and thus, Plaintiff hereby sues said Defendants for his loss of household chores and/or services.

10.4 Plaintiff would further show that he has been unable to perform his regular work activities due to the Defendants' negligence and thus, Plaintiff hereby sues said Defendants for his loss of wages and loss of wage-earning capacity.

Pre-Judgment and Post-Judgment Interest

11.0 Plaintiffs further allege that they are entitled to recover pre-judgment and post-judgment interest at the legal rate as provided for by the case of Cavnar v. Quality Control Parking, Inc., 696 S.W.2d 549, (Tex. 1985) and by Section 304 of the Texas Finance Code.

11.1 By reason of all of the above and foregoing elements, Plaintiffs, **NORMA ALEJANDRA TAMEZ, Individually and As Next Friend of A.O., C.O., and J.O.**, have suffered losses and damages in a sum that far exceed the minimum jurisdictional limits of this Court and for which they hereby sue said Defendants.

Request for Disclosure

12.0 Pursuant to Rule 194 of the Texas Rules of Civil Procedure Defendants herein are required to Disclosure to Plaintiff within (30) days after filing an answer the information or material described in Rule 194.2 to be produced to Attorney for Plaintiff, Alberto Rodriguez, 545 Quarry Street, Eagle Pass, Texas 78852, Facsimile number 830-757-2525.

Courtesy Notice

13.0 Upon receipt of this lawsuit, please forward to your insurance carrier. Under most insurance policies you are entitled to a FREE Defense of this lawsuit. To help protect your assets and obtain a FREE defense, you must ask the insurance carrier to assign you a Defense attorney.



Prayer

WHEREFORE, PREMISES CONSIDERED, Plaintiffs hereby request that Defendants be cited to appear and answer herein, and that on final trial hereof, Plaintiff have and recover the following:

1. Judgment against Defendants for a sum in excess of the minimum jurisdictional limits of the Court, with interest at the legal rate as prescribed by law;
2. Pre-judgment and post-judgment interest at the prevailing legal rate as provided by law and by statute;
3. Costs of suit; and
4. Such other and further relief, both general and special at law and in equity, to which Plaintiffs may show themselves justly entitled.

Respectfully submitted,

The Law Firm of Oscar A. Garza, P.L.L.C.  
545 Quarry Street  
Eagle Pass Texas 78852  
Telephone: (830) 757-2424  
Facsimile: (830) 757-2525

/s/ Alberto Rodriguez  
ALBERTO RODRIGUEZ  
State Bar No. 24061265  
E-mail: arodriguez@oscargarzalaw.com  
ATTORNEYS FOR PLAINTIFF

Demand for Jury Trial

Plaintiffs hereby respectfully requests a trial by jury.

/s/ Alberto Rodriguez  
Alberto Rodriguez

**Automated Certificate of eService**

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Alberto Rodriguez on behalf of Alberto Rodriguez  
Bar No. 24061265  
arodriguez@oscargarzalaw.com  
Envelope ID: 56755545  
Status as of 8/30/2021 9:09 AM CST

## Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
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